

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,
Plaintiff,
vs.

MICHAEL MERRIWEATHER,
Defendant.

CASE NO: 4:22CR3121

DETENTION ORDER

The defendant is charged with a crime of violence; a felony involving possession or use of a firearm, destructive device, or other dangerous weapon. On the government's motion, the court held a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f). The court concludes the defendant must be detained pending trial.

There is a rebuttable presumption that no condition or combination of conditions of release will reasonably assure the defendant's appearance at court proceedings and the safety of the community because there is probable cause to believe the defendant committed a felony involving possession or use of a firearm or destructive device or any other dangerous weapon. The defendant has not rebutted this presumption.

Based on the evidence presented and information of record, the court finds by a preponderance of the evidence that the defendant's release would pose a risk of nonappearance at court proceedings, and by clear and convincing evidence that the defendant's release would pose a risk of harm to the public.

Specifically, the court finds there is substantial evidence that defendant used an alias to purchase firearms despite his prior felony conviction and provided false information on a firearms purchase form, misrepresenting his own

criminal background and the identity of the actual purchaser of the firearms, indicating he cannot be trusted, will be dishonest to hide his criminal conduct, and is not amenable to supervision. In addition, the defendant has a criminal history of violating the law and court orders; has a history of harming or threatening harm to others; and has failed to appear for court proceedings in the past. The court currently knows of no available conditions which will sufficiently ameliorate the risks posed if the defendant is released.

Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of the United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

Dated October 4, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge